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SUBSTANCE OF A SPEECH

DELIVERED BY

HON. LEWIS CASS, OF MICHIGAN,

IN SECRET SESSION

OF THE

SENATE OF THE UNITED STATES,

ON THE

RATIFICATION OF THE

OREGON TREATY,

WITH ADDITIONS.

JULY, 1846.

DETROIT:

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THE OREGON TREATY.

In the progress of our controversy with England, Mr. President, for the possession of Oregon, we have at length reached the last step of our march. For almost half a century, that country has formed a subject of discussion between the two nations, and recently it has threatened to become a subject of hostilities.

A treaty is now presented to us, which, if ratified, will terminate this cause of difference, by the abandonment of a large portion of our claim, and what is still worse, by the abandonment of more than was ever offered, or even contemplated in any one of the various phases of this diplomatic contest. I say, if ratified, but it seems scarcely necessary to speak conditionally upon this matter. As to the English government, it can hardly refuse its formal assent to an instrument prepared by itself. It comes to us, as it came from England, and as has been said, without "the crossing of a *t* or the dotting of an *i*, untouched and unchanged." And as to the issue of our present discussion, the course it has taken, and the vote we have already given, announce but too clearly, that we shall return it, as we received it, making its terms our own.

This is the second chapter in the history of this convention. As I have said, it was prepared in England, not jointly between our minister and a British diplomatic agent, but by the British ministry; and when it reached the Executive, that functionary, in the exercise of an unquestionable constitutional prerogative, submitted it to the Senate, asking their advice, respecting the expediency of accepting its stipulations, and accompanying this application with an unequivocal declaration, *that his own opinions on the Oregon question, announced in his annual message at the commencement of the present session of Congress, "remain unchanged."* The advice, thus asked, was promptly given, without printing the papers, or referring the subject, agreeably to invariable usage, and with but one day between the receipt of the message, and our final action upon it. So promptly indeed, that an honorable Senator from Connecticut, while rebuking the hot haste, which characterized our proceedings, remarked, that we were snatching at this offer as a hungry dog snatches at a bone.

Well, the advice was given to the President to negotiate with the British government, agreeably to their proposition, and the President, as he had previously announced to us he would do, if we recommended it, caused this *projet* to pass through the usual forms of negociation, and it now comes to us as a treaty, drawn up and signed by the proper diplomatic agents, and ready for our ratification or rejection, or if need be, for modication.

The first reflection, which arises in the practical consideration of this subject, is this, that the proposition transmitted to us is not an ultimatum, or in other words, it does not contain the most favorable terms we can obtain. It is a *projet*, to be met, in the usual progress of diplomatic controversy, by a *counter projet*. One party says, I ask so much. The other answers, and I so much; and then follow mutual concessions, till both meet upon common ground, or part to meet in war. Our minister at the British court, an able, upright and experienced statesman, possessing the confidence of the country and of the administration, and deserving it, has said in a despatch dated 18th May, 1846, and laid before us by the President. "It may be considered certain also, in my opinion, that the offer now to be made is not to be submitted as an ultimatum, and is not intended as such." "It has not received my countenance."

And in another part of his despatch, he speaks as distinctly and unequivocally upon this subject. "Feeling very sure, however, that the present offer is not made or intended as an ultimatum, I think it only reasonable to infer an expectation on the part of those, who

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are offering it, not only that modifications may be suggested, but that they may be reasonably required."

"I do not think," says Mr. McLane, "there can be much doubt, however, that an impression has been produced here, that the Senate would accept the proposition now offered, at least without any material modification, and that the President would not take the responsibility of rejecting it, without consulting the Senate."

"If there be any reasonable ground to entertain such an impression, however erroneous, an offer less objectionable, in the first instance, could hardly be expected."

Certainly not, and circumstances indicate that this impression of the British government, respecting the action of the Senate, will not be *erroneous.*

And why this hot haste? Is there any thing in the state of this controversy, or in the relative condition of the two countries, which requires us to act precipitately, sacrificing our own just rights, lest the future should deprive us of the present opportunity of purchasing security by concession? Till the expiration of a year, from the time of the notice of the dissolution of the existing convention was given, and till one of the parties shall provide for an exclusive occupation of the country in dispute, this controversy cannot become an armed contest. And within that period, we can communicate our own views more than twenty times to the British government, and more than twenty times receive their acceptance or modification of them. Surely this is *verge* enough for consideration, without rushing to a decision at the expense of our interests, not to say of our honor.

The honorable Senator from Missouri has said with great candor, "They, (the British ministers,) have not made their proposition an ultimatum; they leave it open to our objections, and of course to modifications. I have no doubt the three minor articles might be modified to my entire satisfaction." And what are the provisions of the articles thus denominated *minor* and not deemed worthy of an attempt at modification?

One of them grants the free navigation of the Columbia River; another the possessions of the Hudson Bay Company and of all other British subjects down to the parallel of 42°, and the third the confirmation of the "farms, lands and other property of the Pugets Sound Agricultural Company north of the Columbia River."

And what reason is given by the Senator from Missouri for the instantaneous ratification of the treaty, with this knowledge, that by asking we shall obtain the relinquishment of these demands; in the case of the navigation of the Columbia River, known to be injurious in itself, and particularly unacceptable to the American people; and in the case of the grants and confirmations, without the least evidence to guide us, as to their number, value or position? Why, two motives for immediate action are presented. One, that the business of the country is suffering; and the other, that we are at war with Mexico, and that so long as our difficulties are unadjusted with Great Britain, that circumstance *will have an encouraging influence on the spirits of our neighbor.* "Let the treaty be ratified—let the news of the ratification go to Mexico, and the tidings of that event will do more than an army with banners to turn her thoughts upon peace with the United States. Peace will then be her policy, &c."

I am not at all disposed to analyze these views. I would merely remark, that happen what may, we are seeking a doubtful good, at the certainty of a great sacrifice. I think the honorable Senator from Indiana has clearly shown, that the low price of flour, charged by the Senator from Missouri to "these rumors of war," has its origin in an abundant crop and a limited demand, and has little to do with the Oregon controversy. But suppose we proceed without delay to give our assent to this treaty, *major and minor articles* and all, and we should find that markets did not rise in consequence of it: that though "there is not a farmer but what has suffered in the price of his produce," yet that he would equally suffer then, and that the business of the country would not feel that elastic bound, which is confidently predicted, as the motive and reward of our acquiescence? Suppose the war with Mexico should go on, with that obstinacy of perseverance and recklessness of consequences, which mark the Spanish character, and that its "expense for any one half day of the time, or the very outside, three quarters of a day," should not come to be weighed in the balance against *those minor articles,* involving as they do our honor and our interests; and if our "neighbor" should not "turn her thoughts upon peace," what then? Why, we should have low prices and a Mexican war, without even the consolation that we

had demanded for our country what England is prepared to concede. Peace will come, but we shall owe it to other causes than this treaty—to the wisdom of the government—to the exertions of the country, and to the valor of the army; and so will higher prices, which we shall owe to the immutable laws of supply and demand; but I doubt if we can buy either peace or prices by precipitancy or submission.

Three years since, the Senator in a debate upon the Oregon bill, laid down the true doctrine in national controversies. "I grant that Great Britain will take offence at us, but that is not the question with me. Has she a right to take offence? That is my question, and that being decided in the negative, I neither fear nor calculate consequences." "Courage will head her off. Fear will bring her upon us. The assertion of our rights will command her respect; the fear to assert them will bring us into contempt." This text requires no commentary.

Mr. President, the general question of our title to Oregon has been discussed and exhausted in both Houses of Congress, recently and formerly. To introduce it upon this occasion would be equally unnecessary and unprofitable. I shall undertake no such work of supererogation. I did not intend even to allude to what passed in this body, during the progress of this subject, and I shall do so now, no farther than is necessary, borrowing an expression from the Senator from Missouri, *to remove from my path certain little bits of rubbish, which have been thrown there.* I shall do that, as gently as may be.

I said sometime since, sir, and I repeat the sentiment now, that the terms of the settlement of this question with England, was a subject, upon which we might reasonably differ, without crimination or recrimination. Those, who believe that our title to all Oregon is so "clear and unquestionable," that no portion of it ought to be relinquished, may well contend for its whole extent, and risk the consequences. Those, on the contrary, who consider our claim involved in reasonable doubt may well consent to restrict it within narrower bounds, and to establish a line of compromise between the two nations. All this is fair and reasonable. But there is another view, pressed with great pertinacity, and with which I cannot concur. It, in the first place, exhibits the parallel of 49° as the line of *right* and of *fight*, as giving us all that any administration ever asked before, and all we ought to have; and then it assumes that the terms of this treaty secure to us this parallel, and that *therewith we ought not only to be content*, but proud of our success. These *Io Peans* are the *little bits of rubbish*, which, though they do not obstruct my path, still annoy me, and which I must *remove*. If this treaty settled the boundary upon the parallel of 49°, and were offered as a compromise, the result of mutual concession, though I could not concur in the sentiment, still I should discharge my duty by a silent negative vote.—But, in my opinion, there is no occasion for gratulation or national laudation, as though we had achieved a conquest; and thinking so, I shall say so, and shall say it plainly.

The Senator from Missouri is highly content with this arrangement and says "The first article," that which establishes the boundary, "is in the very words, which I myself would have used, if the two governments had left it to me to draw the boundary between them." "Forty-nine is the line of right and of mutual convenience between the two powers, offered by us since the time of Mr. Jefferson and wonderfully adapted to the natural divisions of the country and the actual possessions of the two parties." "Mr. Jefferson offered this line in its whole extent in 1807; Mr. Monroe made the same offer in 1818; Mr. Adams offered it in 1826; Mr. Tyler in 1842, and Mr. Polk in 1845;" "and by all except the last as a line of right." "It is a marvellously proper line, and does great honor to the discernment, or illustrates the good fortune of the French and British commissioners, under the treaty of Utrecht, by whom it was so long ago established."

I am not going to dig up the treaty of Utrecht from its quiet archaeological grave. I leave it "alone with its glory." Its day has passed by. It is an *obsolete idea*. Not even the Senator from Missouri, with his great powers, can breath into that by gone work, the breath of life. But were it otherwise, and were the parallel of 49° established by the treaty of Utrecht, what justification could we have for entertaining this *projet*, or even for receiving it? If England and the United States, through France, whose title we hold, fixed that parallel, as the boundary of their possessions, extending to the Western Ocean, what is this government negotiating about, and what is this Senate discussing? The demand by England of "one inch or acre" south of that line

would be as dishonest, as it would be arrogant, not to say impudent; and our submission would brand us with everlasting disgrace.—We have got her bond, assigned to us by France, and her bond is all we shall have, if we yield to her present pretensions, and substitute a treaty of Washington for a treaty of Utrecht with its "*marvellously proper line.*" If this assumption be true, the two governments have been playing a most unworthy part before the world for half a century. Unworthy of the one, which in effect denies its own solemn compact and disregards it; coolly demanding a large slice of the territory, it has acknowledged to be ours; and of the other, which receives the demand, with equal coolness, and prepares to yield to it.

But, sir, bad as this claim is, it is not so bad as that. The country now knows, that no line west of the Rocky Mountains was established under the treaty of Utrecht, and that in fact, no such line could have been established.

It knows, that the stipulations of that treaty extended only to the French and English colonies.

It knows, that the country on the North West Coast was then in effect, unknown and unclaimed, or if claimed at all, it was by Spain.

It knows, that in the statement of the British claim by the British negotiators, this treaty of Utrecht was never once alluded to, and that the voyage of Capt. Cook, in 1778, was urged by them as the origin of their title.

It knows, that the recognition of the Spanish title in 1790, by Great Britain, under the Nootka Sound Convention, was utterly inconsistent with the notion of a division of that region between France and England, three-fourths of a century before.

It knows, that if such a line had been thus established, better evidonce of the fact ought to be produced, than loose and contradictory assertions of obscure authors; not one of whom wrote contemporaneously with the alleged transaction, and *not one of whom*, when carefully examined, asserts that a line was established, under the treaty of Utrecht, as a boundary between the English and French possessions from the Atlantic to the North West Ocean, upon the parallel of 49°. Better evidence, than is furnished by the collections of Mr. Kennedy, the recollections of Mr. Pitkin, the communications of Col. Pickering, or post prandium conversations at the table of Mr. Jefferson.

It knows and feels, that the task of proving the establishment of this line devolves upon those, who would limit their country's claims by it; and that nothing but an authenticated copy of the proceedings of the commissioners, from the archives at London or Paris, should be received as evidence, or entitled even to the slighest consideration.

So much for the treaty of Utrecht and for the line, which was *not* established under it.

But unfortunately the terms of this treaty do not give us the parallel of 49° for a boundary. And therefore it cannot give us what the Senator from Missouri says was a line of right; *offered by all preceding administrations. A line of right offered as such by all preceding administrations!* "In its whole extent by Mr. Jefferson." Of this fact, as no proof is furnished, I may be permitted to remove it out of the way. I know of no document nor even *conversation*, which shows, that such an offer was ever made. But we have an authentic paper, which proves that Mr. Jefferson did not and would not make such an offer, and that he rejected a Convention formed with England, because it alluded to rights of the United States and of that country west of the Rocky Mountains, and seemed to assert their existence by necessary implication. "However reasonable," said Mr. Madison in a despatch to Messrs. Monroe and Pinckney, dated July, 1807, "our claims may be," (that is, "our" claims "on the continent of America, beyond the Stony Mountains," in the words of the rejected Convention) "compared with those of others," (evidently meaning England) "it is impolitic, especially at the present moment, to strengthen Spanish jealousy of the United States, which it is probably an object of England to excite by the clause in question."

So much for the offer of this line in its whole extent by Mr. Jefferson.

But whatever offer was made, it was not only an offer east of the Rocky Mountains, but it was made, as is now perfectly understood, when some obscure authorities had induced the presumption, not the belief, for Mr. Madison clearly expressed his doubts of their authenticity, that a boundary line had been established, between the English and French possessions on the parallel of 49°, under the Treaty of Utrecht. And it was made some years before our title to the whole of Oregon was strengthened and perfected by the cession of Spain.

So much for the value of this offer of Mr. Jefferson, even if it were made, as establishing the position, that the parallel of 49° is now a line of right, because it would have been accepted as a boundary in 1807, not of Oregon, but of the country east of the Rocky Mountains.

But the same offer, says the Senator from Missouri, has been made by all the administrations succeeding that of Mr. Jefferson, which have conducted this negotiation, and by all, except that of Mr. Polk, as "a line of right." "By Mr. Monroe in 1818." And this too was before our purchase of the Spanish claim, and therefore has no bearing upon our present title. But, however this may be, the assertion that the offer was made as a "line of right," may be judged by this fact, that our negotiators in 1818 Messrs. Gallatin and Rush, under Mr. Monroe's direction, and this too was yet before the Spanish cession, asserted the first exploration of the Columbia river by the United States, and "the formation of the first establishment in the country, through which it flows by their citizens." They added, "They did not assert that the United States had a perfect right to this country, (evidently alluding to the Spanish claim,) but "insisted that their claim was at least good against Great Britain."

In 1823 Mr. Monroe proposed to the British government the latitude of 51°, as the northern boundary of the possessions of the United States.

Mr. Rush, in 1824, acting under the orders of Mr. Monroe, claimed for the United States the whole country from 42° "to *at least* as far up as the 51st degree of north latitude." He asserted likewise, that the claim of the United States, as high up as 60°, would "preclude other nations from forming colonial establishments upon any portion of the American coast."

He said also, "It was clear by the treaty of Paris in 1763, that her territorial rights, (those of Great Britain) were bounded west by the Mississippi."

Mr. Gallatin in 1827, under the administration of Mr. Adams, after the British government had refused to accept the offer of compromise made to them, announced, that the government of the United States were now released from any obligation imposed by that or a preceding offer, *and would henceforth be at liberty to contend for their whole claim*, which distinctly shows, that the offer of 49° was an offer of concession, and not of right.

The Senator from South Carolina (Mr. Calhoun) who conducted the negotiation under Mr. Tyler, claimed for the United States "the territory drained by the Columbia river," which extends probably to the fifty-third parallel. He says, "he thinks he has shown a clear title on the part of the United States to the whole region drained by the Columbia."

And these are the claims of the administrations of Mr. Monroe, of Mr. Adams, and of Mr. Tyler, *each of which offered* 49° *as a line of right*, as is now asserted; but each of which, as is here shown, carried our title far north of that limit, and agreed to accept it in a spirit of compromise.

The head of one of these administrations is now living, and holding a seat among us in the councils of his country. He was also in the cabinet of Mr. Monroe, and charged with the adjustment of this controversy. He has said, in the House of Representatives, this very session, that "we have a right to the whole of Oregon;" and again, "She (Great Britain) had no claim whatever." And the Senator from South Carolina (Mr. Calhoun) who was Secretary of State under Mr. Tyler, speaking of the Conventions of 1818 and of 1827, told us, not long since, that "if we could at that time have obtained the latitude of 49° as a *compromise boundary*, it would have been well to have done so." "Negotiation must end in *compromise* (not in lines of right) or war." "I also saw, that if we *compromised*, it must be on the parallel of 49°" "I go for *compromise*."

And the honorable Senator from Missouri himself, speaking of the parallel of 49°, declared in 1842, that "without giving us what we were entitled to by the right of discovery, and as the successors of Spain, it would still take from Great Britain all she wanted." That "as claiming from Spain, our title is good against England, throughout the whole coast."

"The British are excluded from the North West coast of America, for all the purposes of settlement and of colonization." "Our title is clear, that of the British null. She sets up none; that is, she states no derivation of it. There is not a paper, upon the face of the earth, in which a British Minister has stated a title or even a claim. They have endeavored to obtain the country by the arts of diplomacy, but have never stated a title, nor ever can state one." "Her title is her will and her arms."

And here, but the other day, the Senator said, "I think the President did right to renew the offer of *compromise*, his predecessors had made."

"These are great points gained by the renewal of the *liberal offer of compromise*, and I rejoice that we have gained them."

How a proposed line of boundary can be a *liberal offer of compromise*, when at the same time it is "a line of right," "marvellously proper," *established more than a century ago*, giving us the full extent of our true claim, it is not necessary, that I should inquire, and if it were, I should find myself at a dead fault. Compromise, ex vi termini, includes concession, and no nation cedes any thing, which obtains all it is entitled to, and all it has demanded. And offers of compromise, when rejected, never furnish ground of claim for an opponent. They become, as though they had not been made, leaving both parties, as Mr. Gallatin expressed it, "free to contend for their whole claim."

During the long and animated discussion, which this subject has undergone, at the present session, in both houses of Congress, a desire has been expressed by many of those, who have participated in it, to see the controversy terminated by the establishment of a line of boundary upon the parallel of 49°. I do not recollect a single speaker, who has ever intimated the possibility of an adjustment less favorable to this country. "Substantially," was indeed the qualification of one honorable member of this body. But I take it for granted, that when England insists upon concessions south of that line, and is prepared to obtain them, *peaceably if she can, forcibly if she must*, these demands are "substantial" advantages, worth their consequences to us, if to her. The honorable Senator from South Carolina (Mr. Calhoun,) has assumed this parallel as a proper conventional boundary, and the Senator from Massachusetts (Mr. Webster) remarked emphatically in answer to some observations of the Senator from Ohio, (Mr. Allen,) "*But the gentleman from Ohio, and the Senate will do me the justice to allow, that I said as plainly as I could speak, or put down words in writing, that England must not expect anything south of* 49°. *I said so in so many words.*

And what said the Senator from Missouri on this point? "*Senators may now see why for twenty years I have adhered to this line of Utrecht. It is the line of right, which gives to us the olympic district, and its invaluable waters, and secures to us the river and valley of the Columbia. It is the* FIGHTING LINE OF THE UNITED STATES."

This line, the honorable Senator tells us now, "*is a marvellously proper line, and does great honor to the discernment, or illustrate*, the good fortune of the French and British commissioners *under the Treaty of Utrecht, by whom it was so long ago established.*"

In illustration of this remark, the Senator has exhibited to us the topography of the country. I shall not follow him in a review of it, but content myself with remarking, that it passes my comprehension to conceive, how a line can be a *marvellously proper* or a *marvellously lucky* one, "wonderfully adapted to the natural divisions of a country," which follows none of its geographical features; neither ridge, nor hill, nor valley, nor river, nor prairie; but pursues inflexibly one of the artificial circles of the globe, from the summit of the mountains to the sea; which cuts at right angles all its ranges, and in the middle of its course, its great river, with its magnificent basin described by the honorable Senator from Missouri as "*a country which can have but one people, one interest, one government, and that people should be American, that interest ours, and that government republican.* ACCURSED AND INFAMOUS BE THE MAN, THAT DIVIDES OR ALIENATES IT."

This region, thus recently destined to empire and indivisability, is not only about to be divided, and almost the moiety of it alienated, but that division is so *marvellously improper* and *unlucky*, that it will cost us one of the proudest attributes of our independence—the control of one of our great rivers, within our own territory, which we are to yield, in order that the country alienated may find ingress and egress to and from the ocean, through that portion, which we retain.

But, I repeat, unfortunately for our honor and our interest, the boundary, fixed by this treaty, is not the parallel of 49 degrees. The Senator from Missouri says it is, *bating the "nonsense of every inch and every acre up to* 49°, and the stipulations, as I shall show, say that it is not. This saving expression, "*the nonsense of every inch and every acre*," means, I suppose, when translated into plain English, *we should have had* 49, *had not England demanded territorial jurisdiction, and free navigation, and grants of land south of that line, and*

these we will yield to her. So well content is the Senator with the proposed partition, that he says, "*It is in the very words I myself would have used, if the two governments had left it to me to draw the boundary between them.*"

The principle that *more or less* is "*nonsense,*" in a question of boundary, where each party goes for its "*right*" and not obtaining it, will go for a "*fight,*" is new to me. If after this, it becomes engrafted into the codes of national intercommunication, some commentator must tell us what divides the confines of *sense* and *nonsense*, and how much or how little must be claimed or yielded to obtain a place on the sane side of the boundary.

The honorable Senator from Missouri said two months since, "*up to that line, if it becomes necessary, I am willing to fight.*" "*Forty-nine is the line of right with me, and acting upon the second half of the great maxim, submit to nothing wrong, I shall submit to no* INVASION *or* ENCROACHMENT *upon that line*" !

I repeat, unfortunately the line of this treaty is not the parallel of 49. In three important arrangements, or rather concessions on our part, we have nullified that line, and granted to the British government jurisdiction and territory and rights south of it; and in another, adopting the implication of the language, and the construction given to it in this body, we have abandoned the navigation of an arm of the ocean, open to the other nations of the earth, and belonging to us, as to them, by virtue of our independence. The line of *right* and of *fight*, and which was to become the line of *might*, will, if this convention is ratified, henceforth exist only in peremptory claims, and elaborate speeches.

We cede to England the southern cap of Vancouver's Island, an important position, which has been heretofore a subject of discussion between the two Governments. Whether it comes within the saving clause of an "inch or an acre," *more or less*, I shall not stop to inquire. Judging from the imperfect map, I have examined, the extent of coast, following its indentations, cannot be much less than one hundred miles. Upon what principle of *right* or *compromise* this cession is to be made, I have not heard explained. For myself I know of none but the old rule of *might*, "*stet pro ratione voluntas.*" England demands it, and we yield it, and that tells the whole story.

We grant the free navigation of the Columbia south of 49° indefinitely, or in other words forever. The stipulation reads thus: "From the point, at which the 49th parallel shall be found to intersect the great northern branch of the Columbia river, the navigation of the said branch shall be free and open to the Hudson Bay Company and to all British subjects, trading with the same, to the point where the said branch meets the main stream of the Columbia, and thence down the said main stream to the ocean," &c.

Here, sir, is a grant of free navigation, limited indeed in its use, but unlimited in its duration. It is to endure as long as the Hudson Bay Company shall endure, and to ascertain the longevity of the one, we must seek to ascertain the longevity of the other.

The Hudson Bay Company was incorporated by Charles the Second, by a charter dated May 2d, 1671. The third section of that charter provides, that "the persons named, &c. shall be one body, corporate and politic, &c., in deed and in name, &c., really and fully *forever*, &c." And the twelfth section provides, that the Corporation shall "enjoy &c. all and singular the premises hereby granted, with their and every of their rights, members, and jurisdictions, prerogatives, royalties and appurtenances whatsoever, to them, &c. and their successors FOREVER &c., paying yearly to us for the same, two elks and two black beaver, whensoever &c. we our heirs &c. shall happen to enter into the said country," &c.

Thus we find the corporate life perpetual; and applying the charter to the treaty, we have the true measure of the obligation, which this stipulation will impose upon us. No one in this body will deny, that the grant is without limitation, and will exist as long as the grantee exists, unless there are restraining circumstances, which will reduce this broad term *forever* within narrower limits. No member does deny it. And he, who seeks elsewhere than in the Treaty, and in the charter, to change this privilege from a perpetual to a temporary one, is bound to state his case fully, and fairly to prove it. The burden is upon him.

Well, sir, this effort is made, and it is our duty to investigate it; to know what we are actually called upon to cede, and how we can make that cession less, if it be found injurious in itself, or dishonorable in its character. And this effort is made by two different hypotheses, if I may be permitted to divert that word from its true meaning, one of which depends upon

an assumption without proof, and the other upon facts, confusedly and contradictorliy stated here, because imperfectly known, and which, if true in their extent, would not touch our obligations under this Convention.

The Senator from Missouri has cut this new gordian knot at a single stroke. "Now," he says, "there happen to be two Hudson Bay Companies, and those, who do not attend to that little fact, may fall into great error." He then proceeds to select *mero motu* one of these Companies, as the grantee of this privilege, and limits its existence to twenty-one years, and thus relieves us from the embarrassment, which is obviously felt within these walls, and which will become a grave source of dissatisfaction out of them.

Now, sir, if the honorable Senator be correct, what sort of a spectacle are these two governments exhibiting to the world? England sends us a *projet*, granting on our part one of the most important privileges, which one independent nation can yield to another, and there are two corporate bodies of the same name, which can receive it; one temporary in its duration, and the other perpetual; and the grant is temporary or perpetual, as it enures to the one or to the other. And yet this Convention, purporting to terminate present difficulties, and to prevent future ones, does not designate, which of these two corporations is the recipient of this great concession; which is the true Dromeo; and we, with a full knowledge of all this, instead of applying the proper remedy, and identifying, by a resolution, the Company, which is to profit by our concession, are gravely employing ourselves in determining, if the phrase stands as it is, to whom we are granting it. Ten words written in the Convention, while it is now in our power, would settle this question, and leave us at the end of thirteen years in full possession of our sovereignty. But these words we have refused to insert, and the Senator from Connecticut (Mr. Niles) found but ten votes in favor of his proposition, "That the right of navigating the Columbia river, secured to the Hudson Bay Company and to all British subjects trading with the same, be limited to the year A. D. 1863, when it shall cease and determine;" although we have a full knowledge of the expectations of the British government, and of the construction, they put upon their own words, and of the sentiments and warnings of the American Minister. In his despatch of May 18th, Mr. McLane, after stating, that in consequence, (among other things) of an expectation that in the United States this point "may not be absolutely insisted on," tells us, that the British Government "could not be induced in the first instance to make an offer with such a qualification; yet if the adjustment of the question should be found to depend upon this point only, they would yield the demand to the permanent navigation of the river," &c. But, sir, neither is the British nor the American government obnoxious to this charge of double dealing, by proposing and ratifying a convention granting this privilege to one of the companies, without identifying which; and with the knowledge, that one party intends to apply the stipulations to one company, and the other to another.

The Senator from Missouri says there are two Hudson Bay Companies, and warns us of the *great* error, into which we shall fall, if we do not attend to this *little* fact. But I say the honorable Senator has himself fallen into error. He will find there is but one company. He produces no proof of this fact, be it *little* or *great*—none whatever. It rests upon statement. I now call for the authority, personal, political or historical. The necessary proof devolves upon the Senator, who has the affirmative of the question. And before the fact can be assumed, with a view to influence our proceedings, its existence must be established. I have already quoted extracts from a charter, incorporating one Hudson Bay Company *forever*. Let a charter be produced, which incorporates another, for a limited period, and then the *little fact* may prevent the *great error*. Till then I adhere to the *law and to the testimony*.

The Senator likewise states, that the old company as he calls it, the only one as I call it, "has no rights under its charter west of the Rocky Mountains." *The second company*, he says, *exists under a license*. "It bears the name of the Hudson Bay Company; but it is so distinct from the chartered company of King Charles, that it can carry on no trade on the waters of Hudson's Bay, as the old Hudson Bay Company can carry on none on the waters of the Pacific ocean." All this, sir, is in my view erroneous, wholly so; resulting from some misapprehension, I know not what. No corporation can be created in England by license. It must be done by charter, with or

without an act of Parliament. A license to trade with the Indians there, as here, is but a special permission, granted by the Government to prevent the abuses, to which this traffic is liable. If the American Fur Company, founded by Mr. Astor, had been incorporated by Congress, instead of the Legislature of New York, with a right of exclusive trade with the Indians in one of the territories of the United States, it would have borne not a little resemblance to the Hudson Bay Company. If by virtue of another act, authorizing the Executive to issue licenses to trade with the Indians, similar in some of its general principles to the existing act, regulating trade and intercourse with the Indian tribes, a license had been issued to this Fur Company to trade in some other territory, than that named in its charter, for a term of years, the analogy between the English and the American Companies would be sufficiently close to test the operation of the English law by our own. This license would not be a charter. During its existence the Company would trade under it, just as an individual might do, and upon its termination, that privilege would cease, but the corporation would exist, with all its other rights, as it existed before.

But, sir, it has been said by other Senators, who do not assert the existence of two Hudson Bay Companies, that this stipulation of free navigation, though granted to *the* Hudson Bay Company without limitation, will yet expire in 1863, because their license from the crown, for an exclusive right to trade with the Indians west of the Rocky Mountains, will expire at that time. I do not see the *sequitur* in this case.

If the British Government have granted to the Hudson Bay Company an additional *franchise* for a temporary period, they have done much more wisely than we shall do, if we ratify this treaty; for in that event we shall grant that company an additional *franchise* without limitation. The one has no dependence upon the other. The grant in this treaty can be no more controlled by a right to hunt beaver upon the Columbia, than by a right to hunt tigers upon the Ganges. This right of free navigation is granted to the Hudson Bay Company *eo nomine*. The purposes, to which they shall apply it, is a question for them and not for us. There is not one word in this treaty about hunting, nor trading with the Indians, nor about an additional license, nor the termination of the privilege, when the trade may become open or unprofitable. All this is interpolated in discussion. The Senator from Missouri says indeed that the Treaty "stipulates for a company, whose existence is to terminate in 1863." My copy of that instrument contains no such stipulation, and therefore I shall not argue the point.

But, sir, let us look at this subject a little more narrowly. The charter of the Hudson Bay Company, as we have seen, is perpetual. More than half a century since, another association, known as the North West Company, was instituted, which, in the process of time, extended its trade into remote regions, and came into contact with its rival and predecessor. Differences arose, which ultimately produced hostilities, and an open war was for some time waged, almost under the arctic circle, in which the Indians were arrayed on both sides, and much blood was shed. Peace was at length restored, and the two companies, tired of their antagonist position, united together, and the North West Company, which was an unincorporated association, was merged in the Hudson Bay Company. This was in 1819, and in 1821 an act passed the British Parliament, authorizing the crown to grant licenses to trade with the Indians, west of the Rocky Mountains, which region not being included within the original territorial limits of the Hudson Bay Company, would have been otherwise open, for a period of twenty-one years. The first license was surrendered in 1838, and another granted, which will expire in 1859. At that time, if not renewed, the trade will be open to all British subjects.

These are the facts, and all the material ones; and now for their application. In the first place, the Treaty contains no allusion to the licenses, nor to the state of things, they have introduced. The free navigation is granted to the "Hudson Bay Company, and to all British subjects trading with the same;" whether to be used in a free or exclusive trade, for what posts or purposes, as the Treaty does not decide, neither can we. These are questions for the grantees, and not for the grantor.

But in the second place, if the license is renewed, this *free navigation* will then be wanted, as it is now, and if not renewed, and the trade be thrown open, the Hudson Bay Company may carry on their operations, like other British subjects, or other British subjects there, may trade with them. In either event, these

parties may use the navigation of the river, restrained by no will but their own.

But again, what right have we to say, that this company shall not transport their goods to and from their factories, within their original territories, by the way of the Columbia river? It may be, that some of the most western of these factories may communicate with the ocean more speedily and economically by that route, than by Hudson's Bay. Can we say, this shall not be done? And if not, the answer settles the controversy. Indeed, no one can pretend to foretell what may be the state of trade in the extensive regions north of 49°, some twenty years hence, nor what interests of the Hudson Bay Company may require them to penetrate there, through one of our rivers, free and unobstructed. What purposes of traffic may be promoted by the tenacious retention of this privilege, nor what "British subjects" may choose to trade with the Company, that is, buy goods of them, in order to enjoy this privilege of *free navigation* with the *advantages, legitimate or illegitimate*, it may bring with it. In fact it is difficult to argue such a question as this. It cannot be rendered clearer by illustration, nor stronger by analysis. The matter lies within the narrowest compass. The treaty grants to the Hudson Bay Company the right *freely* to navigate the Columbia river, for a period co-extending with its own duration. Its duration is perpetual, and therefore this grant is perpetual. And any inquiry, out of the words of this instrument, into the purposes, to which the grantees may apply the privilege, with a view to limit it, is to adopt a mode of construing, or rather of controlling the grant, inconsistent with its language, and incompatible with the condition of the parties. By what process of law or of logic shall we say to the British Government, The Hudson Bay Company is indeed a perpetual corporation, and we have granted to it, without limitation of time, the free navigation of the Columbia river; but you have granted to it another *franchise* for twenty-one years, totally independent of this, which you may renew or not at your pleasure, and *therefore* our grant of free navigation is limited to the same period, and our obligation shall expire with yours. This would be cool, and if submitted to, decisive. If the treaty is ratified without alteration, "time," says the Senator from Missouri, "will bring an argument which no one can misunderstand." Time, indeed, cures the existence of many errors, as well as corrects them, and falsifies many predictions. But it is wiser to avert difficulties, than to meet them. Let us not depend upon *time*, but upon ourselves. Let us make this instrument what we all say it ought to be, and thus leave to the domain of the future one cause the less of controversy.*

I do not at all agree with the Senator from Missouri, in his estimate of the value of this right of free navigation, nor of the limitation of its use or abuse, which circumstances will necessarily impose upon it. Certainly, a general grant to British subjects indiscriminately, would be worse than this, though for many years, and while the Hudson Bay Company retain the exclusive trade in the northern regions of Oregon, the effect will be the same, as that great corporation and its dependents must be the only traders. This right, freely to navigate the waters of one country, secured by treaty stipulations to another, is liable to grave objections. Carefully guarded and used, it is still an encroachment

*The Senator from Missouri, in a note appended to his printed speech, states that, "since this was spoken, the letter of Mr. Buchanan to Mr. McLane, before the ratification of the Treaty, has been published, in which our Secretary informs Mr. McLane that he had given notice to Mr. Packenham, that the Senate had advised the acceptance of the British proposition, in this limited sense, and instructed him to advise Lord Aberdeen accordingly. No protest has been received from the British Government against this understanding, so that the question is at an end."

I am afraid *the question* has more vitality, than the Senator imagines, when he thus summarily disposes of it. What effect a formal protest, accompanying the ratification of a treaty, has upon the construction of the language employed in it, it is not necessary to inquire at this time, for that case is not before us. The course of Mr. Buchanan, as indicated in this letter, and with the facts as he believed them to exist, was correct and prudent; and had the Senate passed the resolution he anticipated and obviously desired, and had the British Government received it without any counter declaration, we might fairly insist, that the grant in the Treaty was controlled by this understanding. But unfortunately we are deprived of this auxiliary. The Senate not only passed no such resolution, but positively rejected one, only ten members voting in its favor, and the Senator from Missouri voting against it. And this took place the day before the date of Mr. Buchanan's letter, and was no doubt unknown to him when he wrote.

This conversation with Mr. Packenham, which Mr. McLane was requested to communicate to Lord Aberdeen, and which took place before the Treaty was drawn up, seems to have had for its object to prepare the British Government for some formal action on our part, and the precaution was a prudent one. But this action came not, nor does the subject present itself upon the records of the Senate in the subsequent stage of the proceedings. We took the *projet, major* and *minor articles*, and *free navigation* and all, and did not even attempt, directly or indirectly, to limit this obnoxious privilege. What Lord Aberdeen may have said to Mr. McLane in their conversation, we are not told. But certainly, protests to expound treaties, whether extending or restraining the natural import of the language, must be made of *sterner stuff* than the report of a conversation, stating what was understood to be the views of the Senate, (not of the Executive,) on the question, of advising that a Treaty should be formed, and before it was even drawn up, and stating also, that on its ratification, their sentiments would be authentically embodied, in order, no doubt, that they might be transmitted with the Treaty itself, as our exposition of the extent of our obligations. I repeat, the object of the Secretary was a proper one, but his expectations were defeated by the action, or rather by the inaction of the Senate.

upon municipal jurisdiction. If abused, as it easily may be, it exposes the public revenue and the fiscal system of a country to losses and injury. And questions must perpetually arise in its exercise, delicate and difficult in themselves, and giving to a foreign government the right to interfere in concerns, which are local in their nature, and ought to depend on local law.

"If the free navigation of the Columbia river were granted to Great Britain, this would be a source of perpetual strife and collision between the citizens and subjects of the two nations in these remote regions. It would be almost impossible by any vigilance, which could be exerted, to execute the laws of the respective countries, and prevent smuggling on either side of the river.

Besides, there are several portages around the falls and rapids of this river and its branches, the use of which is necessary to the enjoyment of its free navigation.

This would introduce the subjects of Great Britain with their merchandize into the heart of the country, and thus greatly increase the evil beyond what it would be, if they were confined to the channel of the river."*

The British government felt the force of these *views*, when its own interests were in question. It was only when ours were involved, that the aspect of the subject was changed.—At the very time, while demanding the free navigation of the Columbia river, we are told by Mr. McLane, that "Lord Aberdeen had very positively and explicitly declined to treat of the navigation of the St. Lawrence in connection with that of the Columbia; and that if it were desirable for us to offer one for the other, he would, on no account, enter into a negociation in regard to the St. Lawrence."

Besides the usual objections to grants of free navigation, there are pecular circumstances, which increase the dangers of this privilege. It is not alone the right of free navigation, which is granted by this treaty, but it grants the right also to use the portages, wherever the communication is interrupted by falls or rapids. "It being understood, that all the usual portages along the line thus described, (that is, the line of the river,) shall be free and open."

*I have here substituted for my own remarks the words of Mr. Buchanan to Mr. McLane, in a letter of July 12, 1845, which was communicated to the Senate since this discussion took place. The reader will gain by this anachronism, and will, therefore, pardon it. Mr. Buchanan, with his usual fe[illegible]y of thought and diction, has illustrated this subject far better [illegible] I did or could do.

Now, sir, no one knows the number and extent of roads, thus laid open to foreigners within our territory. I have traveled along portage paths in the north west, some miles in length, and which, from the physicial conformation of of the country, left at considerable distance, the streams, whose interrupted navigation rendered necessary this tedious mode of transportation. When a boat reaches one of these impediments, it is taken from the water, and, together with its lading, is carried upon the shoulders of the crew to a navigable point in the river, and there again committed to the stream. The goods are formed into packages, adapted to this labor, and may thus be concealed or disposed of, with little risk of detection, and in contempt of revenue laws and revenue officers. The Senator from Missouri sees in the kind of vessels to be used in this navigation a further restriction of it. For myself, I see the greater danger. Those portages running into the country, and traversed by bands of foreign traders, carrying on their backs the goods destined for an extensive traffic, will furnish stations for smuggling, which no vigilance can prevent nor detect.

This treaty contains stipulations, which grant an unknown portion of the country, as far down as 42° to British subjects, seven degrees south of our line of *right*. The third and fourth articles are devoted to this object.

The practical difficulty, we now experience, is this, that we know nothing of the number, extent, position or value of these claims.—Should we ratify this treaty to-day, and be asked on leaving the capitol, how much of our own territory we had ceded, there is not one of us could answer, whether five or five millions of acres. Sensible of this absence of all knowledge, we have, indeed, passed a resolution and directed its immediate transmission to the President, asking such information as may be in his possession, and as will enable us to discharge our duties, with, at any rate, a conjectural estimate of what we give and what we retain. But we find fifteen Senators voting against this call, and there are indications, that we shall proceed to the final consummation of our labor, without awaiting the answer.* The most we know, and it is not much, comes from Lord Aberdeen. Were the source impartial, still the information is too vague for discreet action. But, coming as it does, from the or-

*The treaty was ratified the same day, without any answer to the call, which, indeed, could not have been given.

gan of the British government, we may well receive it with caution, upon general principles, and without any offensive imputation. Lord Aberdeen told Mr. McLane that "the British settlements, between the Columbia river and the 49th parallel, are not believed to be numerous, consisting, as he supposes, of a few families, and two or three forts and stations." South of the Columbia, we have no information, positive or conjectural, though it is understood, that the late or the present governor of the Hudson Bay Company holds in his own right one of the best positions in the country. I presume this lucky example has found or made many followers.

Nor does the treaty define the uses, to which these British forts upon our soil may be put, any more than their number. I suppose they are hardly designed to protect the American flag.

The Senator from Indiana, with one of those flashes of true eloquence, which illuminate, while they convince, has happily described the position, in which this treaty will leave us. Instead of being joint occupants of the whole country, as we now are, we shall cede the northern portion of it, and became joint occupants of the southern portion.*

The farms, &c., of the "Puget land agricultural association" are to be "confirmed." The tenure, therefore, of this property is unquestionable.

"The possessory rights" of the Hudson Bay Company, and of all other British subjects, occupying land, whether north or south of the Columbia river, are to be "respected." In the former class of cases, that of the Puget's land agricultural association, the British goverment, I presume, had given initiatory titles, which we are to confirm; while in the latter, the rights are derived from occupation, and thence the difference in the phraseology.

What will be effect of this stipulation to "respect" these "possessory rights?" This enquiry has been made, and the true answer is important. We know the object of the British government, and the construction they will put upon this obligation. Our minister has told us so much. "A perpetual title" to all British occupants. Mr. McLane supposed that this claim would be limited to the country between the Columbia river and the 49th parallel; but if such was at first the intention, it has been abandoned, and the provision now covers the whole "territory."

"Possessory rights shall be respected."—This is a treaty between two great nations. We are told by an honorable Senator, that the language of the article is "technical and precise," and that its object *would seem to be for the quiet of the company and other British subjects, till they can remove.* This presumed motive of the British government is contradicted by the report of our minister; and the characteristic of technical precision is hardly supported by the words "farms, lands and other property," descriptive of those class of cases, and the "respect of possessory rights" applied to another. "Possessory rights shall be respected." Not for to-day, nor for to-morrow, *nor till the owners can remove;* but indefinitely, and we, who are imposing the obligation upon ourselves, must expect to have it construed most strongly against us. If, at any time, these "possessory rights" are terminated by grants to others, they will be no longer "respected," and we fix the duration of an obligation, left without limitation in the treaty. "The first words of the article," (future appropriation) says the Senator from Missouri, "admit our right to dispose of these possessions, &c." The treaty says, "In the future appropriation of the territory, &c., the possessory rights, &c., shall be respected." Certainly, they admit it; but unfortunately for the exposition, which the Senator would give of them, it is precisely in the act of appropriation, that these rights are to be "respected." The British Government undoubtedly knew, that before the land was sold, agreeably to our policy, actual settlers would be undisturbed. So far, therefore, is this stipulation from seeking to provide, a short time, for the occupants to remove on the change of government, that it may not come into operation for some years, and cannot for a considerable time. And when we "appropriate" the land, how are we to redeem this obligation to "respect" the possessory rights of the occupants, but by converting these rights into actual titles? We cannot convey their lands to any body else, and if we hold them we must hold them indefinitely, leaving the occupants in possession, and

*An article, which is now passing through the western papers, shows what may be consequences of these improvident grants, made in utter ignorance of the extent of the obligations, they impose upon us.

"Mr. Genois, with ten others, recently arrived at St. Louis from Oregon, &c." The Revillee remarks, that, "on perusing the treaty Mr. G. referred to the clause, securing to the Hudson Bay Companies the sites they have selected, as a *a most injurious agreement for the interest of the people of Oregon*; because this company is in possession of the best sites south of 49°, and by their immense capital and power, break down all American traders who attempt to compete with them."

with their rights "respected." A system of policy, at war with our practice and our institutions. As to the limitation of "seventeen years," it is imposed by the Senator from Missouri, and not by the treaty. I find no "new licensed company" there, nor any "old" one.—The assurance is given, in the one case, to the "Hudson Bay Company," and in the other, to "all British subjects," interested, and equally in both cases, without restriction, as to duration and extent.

But there is still another stipulation liable to serious objections. It is the proviso to the first article. That article, after establishing a boundary upon the parallel of 49° from the mountains to the sea, in the Straits of Fuca, adds, "provided, however, that the navigation of the whole of the said channel and straits, south of the 49th parallel of north latitude, remain free and open to both parties."

Vancouver's Island is separated from the continent by an arm of the sea, about two hundred and fifty miles in extent, different portions of which are known by different names. One part is called the Straits of Fuca, another the Canal of Arro, another the Gulf of Georgia, and a fourth Queen Charlotte's Sound. This channel of communication, sometimes spreads into broad bays, and then contracts into narrow straits. But broader or narrower, it runs from sea to sea, and cannot be taken from the great mass of general property and appropriated to a particular power. Nor should one nation be deprived of its use, but by its own consent.—Without this provision England and the United States especially, owning the coast of this channel, through its whole extent, and other nations, upon general principles, would be entitled to its free navigation. Why, then, this assertion of a mutual right, south of 49° unless by a kind of *exclusion of a conclusion*, Great Britain is hereafter to claim that north of 49° where there is no stipulation, this communication is closed to us. Such is the construction, given to the claim by the Senator from Missouri, and though I do not concur with him, yet I think it our duty to guard against an interpretation, which, by asserting our right to a part, is construed to cede our right to the remainder, and that without the slighest consideration. The Senator says "the proviso is fair and equal." "*West the straits open from the sea and penetrate the continent about one hundred miles, and then branch north and south.*" "These waters being all narrow and inland, become our private waters, and are subject to our municipal jurisdiction. So of the straits, which go north. At first they open out largely behind Vancouver's Island and make the Gulf of Georgia, then they contract, &c."

"These narrow waters, like those of Puget's Sound, &c., are private property, subject to the municipal jurisdiction of the British, to whom they belong. I hold the proviso to be conformable to the laws of nations, and fair and equal in itself, and fully approve of it."

For myself, sir, *I hold the proviso to be nonconformable to the laws of nations, unfair and unequal* in itself, and fully *disapprove* of it.—This doctrine of a *mare clausum* is unsuited to the age, and unacceptable to it. It is antiquated like the treaty of Utrecht. It seeks to appropriate to one nation, what God gave to all the earth, the use of the waters that surround it. At one time it almost made of the British channel a British river, upon which England claimed, that the ships of other nations should not sail without an acknowledgment of her supremacy.

But there is an obvious difference, which, however, has escaped remark; between the waters, such as Puget's Sound and others which penetrate our territory, and there terminate; and the arm of the sea, extending from Cape Flattery to Cape Caution, which separates Vancouver's Island from the continent, and is a great line of communication, open to the ocean, and communicating with it through its whole extent.

[I find this subject so clearly stated, and the true doctrine so ably laid down in a letter from Mr. Buchanan to Mr. McLane, dated Feb. 26, 1846, that I am tempted to make a quotation from it:

"There is one point, which it is necessary to guard, whether the first or the second proposition should be submitted to by the British government. The Straits of Fuca is an arm of the sea, and under the public law, all nations would possess the same right to navigate it throughout its whole extent, as they now have to the navigation of the British channel. Still, to prevent future difficulties, this ought to be clearly and distinctly understood. It is rendered the more necessary, when we recollect that the Russian government, not many years ago, asserted a claim to the exclusive navigation of the Northern Pacific Ocean, between its Asiatic and American territories, on the

principle that it was a 'close sea.'"*]

Under these circumstances what should we do? Voluntarily exclude the American flag from an arm of the ocean, and thus shut it up, or amend this proviso by declaring that the whole of these straits is free to us, as well as to all other nations, so that they shall neither expressly nor by implication pass under the sovereignty of a single power? What possible objection can be urged against this course? Would England reject this convention, because we refuse to accede to this proposition, which even here is construed into a surrender of an essential characteristic of national sovereignty? No; and if she did, she would do so at the risk of encountering the reproach of the world, and the indignant feelings of this whole country.

Now, sir, what is our position? There are serious objections to this treaty. We all agree to that; every one of us. Doubts exist, as to the extent of some of its stipulations, but none as to their unfavorable character, whether more or less restrained by construction. Neither our own minister, nor the British government expects its ratification, without modification. That is evident. There is an ample remedy within our reach for some of these evils, if not for all of them. A remedy without hazard and without cost. Let us ask, and we shall receive. Let us not accept as an ultimatum what is not intended as such. If we must hasten, let us hasten *slowly*. It is a wise old maxim, and none the less wise for its age. The responsibility is upon the Senate. We have taken it. It becomes us faithfully to meet it. To gain all we can for our country, without too great a sacrifice. The whole matter is within our reach. Our hand is still upon the instrument. Not one obligation is yet imposed upon us. We may, therefore, fully expose the nature of the duties we shall take upon ourselves, if we become a party to this treaty. We ought, searchingly to examine them, in order to reject or modify them, if found too onerous. This is equally the dictate of wisdom and of patriotism. By a conditional ratification, we can assert our own honor and strip these objectionable stipulations of their most obnoxious features. If imposed upon us without an effort to avert them, and with the knowledge, that we can avert them, or some of them and will not, I am afraid we shall regret our precipitate action, and the country an arrangement, which will give us, neither what we demanded, nor what we offered. Neither 60° nor 54' 40', nor 51°, nor 49°, nor the line of Utrecht, nor the line of *right*, nor the valley of the Columbia, and which creates obligations, not less injurious, than unacceptable.

*It will be perceived that this extract is inserted here, though not read in the Senate, because it fully illustrates the subject. It had not been communicated to Congress when this discussion took place.

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